

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
SUPERVISING DEPUTY ATTORNEY GENERAL  
3 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
4 State Bar No. 94811  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2010-49

13 **KOOM SOUN SON**  
2320 Crystal Ridge Lane  
14 Colton, CA 92324

**ACCUSATION**

15 Registered Nurse License No. 286303

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed, R.N. (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about December 31, 1977, the Board of Registered Nursing (Board) issued  
24 Registered Nurse License Number RN 286303 to Koom Soun Son (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on June 30, 2009, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 490 provides, in pertinent part, that a board may suspend or revoke  
4 a license on the ground that the licensee has been convicted of a crime substantially related to the  
5 qualifications, functions, or duties of the business or profession for which the license was issued.

6 5. Section 810 states:

7 “(a) It shall constitute unprofessional conduct and grounds for disciplinary  
8 action, including suspension or revocation of a license or certificate, for a health care professional  
9 to do any of the following in connection with his or her professional activities:

10 . . . .

11 6. Section 2750 provides, in pertinent part, that the Board may discipline any  
12 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
13 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

14 7. Section 2761 states:

15 “The board may take disciplinary action against a certified or licensed nurse or deny  
16 an application for a certificate or license for any of the following:

17 “(a) Unprofessional conduct, which includes, but is not limited to, the  
18 following:

19 . . . .

20 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or  
21 abetting the violating of, or conspiring to violate any provision or term of this chapter [the  
22 Nursing Practice Act] or regulations adopted pursuant to it.

23 . . . .

24 “(f) Violating or attempting to violate, directly or indirectly, or assisting in or  
25 abetting the violating of, or conspiring to violate any provision or term of this chapter [the  
26 Nursing Practice Act] or regulations adopted pursuant to it.”

27 **REGULATORY PROVISIONS**

28 8. California Code of Regulations, title 16, section 1444, states, in pertinent part:

1 "A conviction or act shall be considered to be substantially related to the  
2 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
3 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
4 public health, safety, or welfare."

5 **COST RECOVERY**

6 9. Section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of a Substantially-Related Crime)**

12 10. Respondent is subject to disciplinary action under section 2761,  
13 subdivision (f), and section 490, in conjunction with California Code of Regulations, title 16,  
14 section 1444, in that Respondent has been convicted of a crime substantially related to the  
15 qualifications, functions or duties of a registered nurse, as follow:

16 11. On or about November 26, 2008, after pleading guilty, Respondent was  
17 convicted of one felony count of violating Penal Code section 487 [grand theft], in the criminal  
18 proceeding entitled *The People of the State of California v. Koom Soun Son* (Super. Ct. Los  
19 Angeles County, 2008, No. BA327259). Respondent was sentenced to 60 days in jail, placed on  
20 three years probation, and fined \$200.00. The circumstances surrounding the conviction are that  
21 from on or about January 1, 2004, through December 31, 2006, in the County of Los Angeles,  
22 Respondent was the owner of an Adult Day Health Care Program which submitted approximately  
23 135,700 false claims to Medi-Cal for payment and received approximately \$6 million dollars for  
24 these false claims. On or about June 14 and 15, 2006, the Department of Health Services (DHS)  
25 Medical Review Branch conducted an unannounced onsite inspection of the Adult Day Health  
26 Care Program owned by Respondent, and found that excessive claims had been filed, false  
27 information had been entered into participants files, and Respondent knowingly submitted  
28 documents which had been submitted with forged physician signatures. Subsequently, on or

1 about November 11, 2006, a criminal investigation was conducted by the State of California  
2 Department of Justice Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA), and Respondent  
3 was arrested for violating Penal Code section 487, [grand theft].

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Knowingly Submitting Fraudulent Claims)**

6 12. Respondent is subject to disciplinary action under section 810,  
7 subdivision (a) (2), in that Respondent was convicted of a crime involving acts of submitting false  
8 claims with forged physician signatures. Complainant, now refers to and incorporates all the  
9 allegations in paragraph 11, inclusive, as though set forth fully.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 13. Respondent is subject to disciplinary action under section 2761,  
13 subdivision (a), in that Respondent displayed acts of unprofessional conduct when he was  
14 convicted of a crime involving grand theft. Complainant, now refers to and incorporates all the  
15 allegations in paragraph 11, inclusive, as though set forth fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Acts Violating the Nursing Act)**

18 14. Respondent is subject to disciplinary action under section 2750,  
19 subdivision (d), in that Respondent committed acts violating the Nursing Practice Act by being  
20 convicted of grand theft. Complainant, now refers to and incorporates all the allegations in  
21 paragraph 11, inclusive, as though set forth fully.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
24 alleged, and that following the hearing, the Board issue a decision:

- 25 1. Revoking or suspending Registered Nurse License Number 286303, issued to  
26 Respondent;

27 ///

28 ///

- 1                   2. Ordering Respondent to pay the Board the reasonable costs of the investigation  
2                   and enforcement of this case, pursuant to Business and Professions Code section 125.3; and  
3                   3. Taking such other and further action as deemed necessary and proper.  
4

5   DATED: 8/4/09



LOUISE R. BAILEY, M.E.d., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

9   LA2009602463  
10   accusation.rtf  
11   07/06/09-IC  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28